

IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE FOR THE TWENTIETH
JUDICIAL DISTRICT AT NASHVILLE

STATE OF TENNESSEE,
Petitioner,

v.

MIKE WATSON, individually and
formerly doing business as CURVES
FOR WOMEN OF SEYMOUR, and
RUTH WATSON, individually and
formerly doing business as CURVES
FOR WOMEN,

Respondent.

PETITION

Paul G. Summers, Attorney General and Reporter for the State of Tennessee, (hereinafter "Attorney General"), files this Petition pursuant to Tenn. Code Ann. § 47-18-107 of the Tennessee Consumer Protection Act of 1977 (hereinafter "the Act"), and would respectfully show the Court as follows:

1. The Attorney General, acting pursuant to the Act, has investigated certain acts and practices of Mike Watson, individually and formerly doing business as Curves for Women of Seymour and Ruth Watson, individually and formerly doing business as Curves for Women of Seymour (hereinafter, "Respondents"). Upon completion of such investigation, the Attorney General has determined that certain of Respondents' acts and practices, more specifically described in Paragraph 2 of this Petition, constitute unfair and deceptive acts or practices affecting the conduct of trade or commerce in the State of Tennessee in violation of Tenn. Code Ann. § 47-18-101 *et seq.* (the Tennessee Consumer Protection Act) and further that such acts and practices constitute violations of Tenn. Code Ann. §§ 47-18-301 *et*

seq. (the Health Club Act.) More specifically, Respondents' conduct is in violation of Tenn. Code Ann. §§ 47-18-104(a), (b)(5), (b)(12), (b)(27) and 47-18-302(a) and 47-18-313(c).

2. Based upon the investigation of Respondents, the Attorney General alleges the following:

(A) Respondents were in the business of providing health club services, from his principle place of business in Seymour, Tennessee.

(B) During the State's investigation, information was obtained that the Respondents were operating Curves for Women of Seymour without a valid certificate of registration, issued by the Division of Consumer Affairs, for a total of six (6) months. Consumers that entered into contracts with the Respondents for health club services, during this period of time, were not aware that their health club contracts were not enforceable against them.

(C) Upon information and belief, Respondents attempted to enforce Curves for Women of Seymour health club agreements, against consumers during the period of time that Respondents' health club was unregistered.

(D) Respondents also sold their health club without providing the notification required by Tenn. Code Ann. § 47-18-313(c) to the Tennessee Division of Consumer Affairs.

(E) Respondents' conduct constitutes unfair and deceptive acts or practices.

3. Respondents neither admit nor deny the allegations of Paragraph 2 (A-E).

4. The Attorney General entered into negotiations with Respondent and the parties have agreed to, and the Division has approved, the attached Assurance of Voluntary Compliance.

5. In accordance with the provisions of Tenn. Code Ann. § 47-18-107(c), the execution, delivery and

filing of the Assurance does not constitute an admission of prior violation of the Act.

6. The Division, the Attorney General, and the Respondent, the parties who are primarily interested in the matters set forth in Paragraph 2 hereof, have jointly agreed to the Assurance of Voluntary Compliance and join in its filing.

PREMISES CONSIDERED, Petitioner prays

1. That this Petition be filed without cost bond pursuant to the provisions of Tenn. Code Ann. §§ 20-13-101 and 47-18-116.

2. That the Assurance of Voluntary Compliance be approved and filed in accordance with the provisions of the Tennessee Consumer Protection Act.